

NISHIOKA
Appl. No. 10/829,232
August 11, 2005



REMARKS/ARGUMENTS

Claims 21-40 are present in this application.

Claims 21-40 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent No. 6,746,098. Without conceding this rejection, filed concurrently herewith is a Terminal Disclaimer disclaiming the term of a patent granted on the present application that would extend beyond that of the '098 patent. Applicant respectfully submits that the rejection is thus moot. Withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks and the Terminal Disclaimer, Applicant respectfully submits that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in dark ink, appearing to read "Alan M. Kagen", written over a horizontal line.

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